## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

| ALBERT PAUL HUNTER,            | ) |                      |
|--------------------------------|---|----------------------|
| Plaintiff,                     | ) | g N 100 000          |
| v.                             | ) | Case No. 1:09-cv-238 |
|                                | ) | Judge Mattice        |
| CITY OF COPPER HILL, TENNESSEE | ) | o uugo muutioo       |
| and CECIL ARP,                 | ) |                      |
| Defendants.                    | ) |                      |
| Deteridants.                   | ) |                      |
|                                | , |                      |

## **ORDER**

On August 26, 2013, United States Magistrate Judge William Carter filed his Report and Recommendation (Doc. 183) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that: (1) Defendant Arp's Motion for Attorney's Fees (Doc. 148) be denied; (2) Plaintiff's Motion for Attorney's Fees and Costs (Doc. 150) be granted; and (3) Plaintiff be awarded \$192,996.26 and attorney's fees and \$5,559.74 in costs.

None of the parties have filed objections to the Magistrate Judge's Report and Recommendation.<sup>1</sup> Nevertheless, the Court has reviewed the Report and Recommendation and has conducted a *de novo* review of the record, and it agrees with Magistrate Judge Carter's well-reasoned conclusions.

<sup>&</sup>lt;sup>1</sup> Magistrate Judge Carter specifically advised the parties that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. (Doc. 183 at 16 n.7); see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file objections expired on September 12, 2013.

## Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Defendant Arp's Motion for Attorney's Fees (Doc. 148) is **DENIED**;
- Plaintiff's Motion for Attorney's Fees and Costs (Doc. 150) is **GRANTED**;
- Plaintiff is **AWARDED** attorney's fees in the amount of **\$192,996.26** and costs in the amount of **\$5,559.74**.

**SO ORDERED** this 19th day of September, 2013.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE